

**State Bar Court of California**  
**Hearing Department**  
**Los Angeles**

**ORIGINAL**

<b>Counsel For The State Bar</b>  <b>Diane J. Meyers</b> <b>1149 S. Hill St.</b> <b>Los Angeles, CA 90015</b> <b>(213) 765-1496</b>  <b>Bar # 146643</b>	<b>Case Number (s)</b> <b>10-H-10200</b>	<b>(for Court's use)</b>  <b>FILED</b> <i>Y/c</i> <b>JAN 18 2011</b>  <b>STATE BAR COURT</b> <b>CLERK'S OFFICE</b> <b>LOS ANGELES</b>  <b>PUBLIC MATTER</b>
<b>In Pro Per Respondent</b>  <b>Jay Curtis Cox</b> <b>1122 E. Lincoln Ave., Ste. 200</b> <b>Orange, CA 92865</b> <b>(714) 283-3333</b>  <b>Bar # 147858</b>	<b>Submitted to: Assigned Judge</b>	
<b>In the Matter Of:</b> <b>Jay Curtis Cox</b>  <b>Bar # 147858</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>	<b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **September 9, 1990**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **11** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."



- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ costs added to membership fee for calendar year following effective date of discipline.
  - ☐ costs to be paid in equal amounts prior to February 1 for the following membership years:  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - ☐ costs entirely waived

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1) ☒ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☒ State Bar Court case # of prior case **09-C-13668**
  - (b) ☒ Date prior discipline effective **January 28, 2010**
  - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **No violation of the Rules of Professional Conduct or section of the State Bar Act was noted, but Respondent stipulated that by violating Vehicle Code sections 23152(a), 23152(b), and 14601.1(a), Respondent committed other misconduct warranting discipline.**
  - (d) ☒ Degree of prior discipline **Public reproof**
  - (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
    - a. State Bar Court case # of prior case: **00-C-10170, 00-C-12669 and 00-C-12875**
    - b. Date prior discipline effective: **June 14, 2001**
    - c. Rules of Professional Conduct/State Bar Act violations: **No violation of the Rules of Professional Conduct or section of the State Bar Act was noted, but Respondent stipulated that the facts and circumstances underlying his violations of Health & Safety Code section 11377 and California Vehicle Code sections 23103.5 and 14601.5 did not involve moral turpitude, but involved other misconduct warranting discipline.**
    - d. Degree of prior discipline: **a two-year suspension, stayed, a three-year probation, and a one-year actual suspension.**
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **Respondent committed multiple violations of the reproof conditions imposed against him in case no. 09-C-13668.**
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

**Respondent was cooperative with deputy trial counsel during the State Bar's proceeding. Respondent immediately acknowledged his misconduct and expressed his remorse for his misconduct. Respondent also demonstrated recognition of wrongdoing by entering into this stipulation, thereby saving the resources of the State Bar.**

**D. Discipline:**

- (1) ☒ **Stayed Suspension:**
- (a) ☒ Respondent must be suspended from the practice of law for a period of **one year**.
- I. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

The above-referenced suspension is stayed.

- (2) ☒ **Probation:**

Respondent is placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

**E. Additional Conditions of Probation:**

- (1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (4) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: **Respondent completed Ethics School on December 2, 2010 in connection with case no. 09-C-13668.**
- (8) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) ☒ The following conditions are attached hereto and incorporated:
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions                    | <input type="checkbox"/> Financial Conditions             |

#### F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason:
- (2) ☐ **Other Conditions:**

(Do not write above this line.)

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**G. Supporting Authority:**

**Culpability of a member of a wilful violation of rule 1-110, Rules of Professional Conduct, shall result in suspension.**

Attachment language (if any):

Respondent admits that the following facts are true and that he is culpable of the following violations:

**FACTS:**

1. On January 5, 2010, Respondent entered into a Stipulation Re: Facts, Conclusions of Law and Disposition and Order Approving Public Reprimand ("Stipulation") with the Office of the Chief Trial Counsel of the State Bar of California in case number 09-C-13668.
2. On January 7, 2010, the State Bar Court filed an order approving the Stipulation.
3. Effective January 28, 2010, Respondent was publicly reprimanded for a period of one year by the State Bar Court in connection with case number 09-C-13668.
4. As conditions of the public reprimand, Respondent was ordered to do the following:
  - a. Within 30 days of the effective date of discipline, contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss the terms and conditions of probation; and upon direction of the Office of Probation, meet with the probation deputy either in-person or by telephone (the "meeting condition").
  - b. Attend at least two Alcoholic Anonymous ("AA") meetings per month and two School Ten, Inc. ("School Ten") meetings per month; and provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth day of the following month during the condition or probation period (the "AA and School Ten conditions").
  - c. Select a licensed medical laboratory approved by the Office of Probation; furnish to the laboratory blood and/or urine samples as may be required to show that Respondent had abstained from alcohol and/or drugs and in such a manner as specified by the laboratory to ensure specimen integrity; cause the laboratory to provide to the Office of Probation, at Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten days previously (the "lab conditions").
  - d. Submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reprimand; under penalty of perjury, state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reprimand during the preceding calendar quarter; under penalty of perjury, state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding; and if the first report would cover less than 30 days, submit that report on the next following quarter date, and cover the extended period (the "quarterly report conditions").
5. Respondent did not comply with the meeting condition attached to the public reprimand. Respondent was required to contact the Office of Probation, schedule a meeting, and meet with his assigned probation deputy by February 27, 2010. Respondent contacted the Office of Probation, scheduled a meeting, and had a meeting with his assigned probation deputy on March 1, 2010.
6. Respondent did not comply with the AA and School Ten conditions, the lab conditions, and the quarterly report conditions, as follows:

- a. Respondent did not file proof of his attendance at AA and School Ten meetings with the Office of Probation due on February 10, March 10, and November 10, 2010.
- b. Respondent's quarterly report with proof of attendance at AA and School Ten meetings and lab result, due on April 10, 2010, were filed late with the Office of Probation on April 12, 2010.
- c. Respondent did not file his lab result with the Office of Probation due on February 10, August 10, September 10, October 10, and November 10, 2010.
- d. Respondent's lab result, due on May 10, 2010, was filed late with the Office of Probation on May 13, 2010, and the result filed did not include a result for alcohol.
- e. Respondent's proof of attendance at AA and School Ten meetings, due on May 10 and June 10, 2010, was filed late with the Office of Probation on June 17, 2010.
- f. Respondent's lab result filed with the Office of Probation on June 9, 2010, did not include a result for alcohol.
- g. Respondent's lab result, due on July 10, 2010, was filed late with the Office of Probation due on July 22, 2010, and the result for the alcohol test was from a breath test, not from a blood test or a urine test. Respondent's lab result for an alcohol test was filed late with the Office of Probation on July 28, 2010.
- h. Respondent's quarterly report with proof of attendance at AA and School Ten meetings, due on July 10, 2010, was filed late with the Office of Probation on July 23, 2010.
- i. Respondent's proof of attendance at AA and School Ten meetings, due on August 10, 2010, was filed late with the Office of Probation on August 16, 2010.
- j. Respondent's quarterly report with proof of attendance at AA and School Ten meetings, due on October 10, 2010, was filed late with the Office of Probation on October 19, 2010.
- k. Respondent filed proof of his attendance at only one AA meeting and only one School Ten meeting with the Office of Probation on October 10, 2010.

#### **CONCLUSION OF LAW**

By the foregoing conduct, Respondent failed to comply with conditions attached to a public reproof, in wilful violation of rule 1-110 of the Rules of Professional Conduct.



In the Matter of  
Jay Curtis Cox

Case number(s):  
10-H-10200

### Substance Abuse Conditions

- a. ☒ Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. ☒ Respondent must attend at least **three** meetings per month of:
- ☒ Alcoholics Anonymous
  - ☐ Narcotics Anonymous
  - ☐ The Other Bar
  - ☐ Other program

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10<sup>th</sup>) day of the following month, during the condition or probation period.

- c. ☒ Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d. ☒ Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e. ☒ Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

**f. Respondent is presently in a substance abuse program with School Ten, Inc. From December 2010 through May 2011, Respondent is required to attend a meeting with a School Ten counselor once a month. Respondent agrees to provide proof of his meetings with the School Ten counselor from December 2010 through May 2011 to the Office of Probation with his first quarterly report, and in any subsequent quarterly report covering the period of December 2010 through May 2011.**


(Do not write above this line.)

In the Matter of Jay Curtis Cox	Case number(s): 10-H-10200
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### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

12/29/10  
Date

  
Respondent's Signature

Jay Curtis Cox  
Print Name

1/4/11  
Date

  
Respondent's Counsel Signature

          
Print Name

          
Deputy Trial Counsel's Signature

Diane J. Meyers  
Print Name

(Do not write above this line.)

In the Matter Of  
**Jay Curtis Cox**

Case Number(s):  
**10-H-10200**

### ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public,  
IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without  
prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

1/18/11  
Date

  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 18, 2011, I deposited a true copy of the following document(s):

### **STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION**

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**J. CURTIS COX  
DADSLAW INC.  
1122 E LINCOLN AVE STE B200  
ORANGE, CA 92865**

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

**DIANE J. MEYERS, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 18, 2011.



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Tammy Cleaver  
Case Administrator  
State Bar Court